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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,320	02/09/2004	Felix Henry	01807.101404	6653
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/773,320

Applicant(s)

HENRY, FELIX

Examiner

Jeffery A. Brier

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 and 39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 and 39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/10/2007 has been entered.

Response to Amendment

2. The amendment filed on 10/09/2007 has been entered.

Response to Arguments

3. Applicant's arguments filed 10/09/2007 have been fully considered but they are not persuasive. The claim limitation "management function for navigation incompatibility" covers the prior art references. It covers Ang et al because Polymap's management function stored as computer instructions in the comment field tells a Polymap enabled web browser how to react to the user placing the mouse pointer over an area which does not have additional information and it tells the Polymap enabled web browser how to react to the user placing the mouse pointer over an area which does have additional information as illustrated in figures 2a, 2b, and 3 and described on page 5 of 10. It covers Niemi because Niemi's management function stored as

computer instructions that define the corner coordinates in a database tell the display system how to react to the user placing the cursor over an area which is not zoomable and it tells the display system how to react to the user placing the cursor over an area which is zoomable, see paragraphs [0063], [0064], [0065], [0075], [0076], and [0078].

4. The prior art rejections based on Ang et al. and Niemi are reproduced below with modifications reflecting amendments.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-37 and 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1:

At line 1 this claim claims "a file describing a digital image".

At line 6 this claim claims "a first file".

Now referring to claim 7 at line 2 this claim claims "a second file".

In view of claims 1 and 7 it is not clear if the file at claim 1 line 1, claim 1 line 6 and at claim 7 line 2 are the same or different since a file could be the first file or second file.

The specification at page 10 line 20 to page 11 line 3 describes an SWF file containing JPEG2000 file or alternatively an SWF file that has the address of the JPEG2000 file.

In view of the specification the claimed file, first file, and second file do not clearly claim the files corresponding to the image, zoomable area, management function, and compression data.

The other independent claims claim file and first file and these files are unclear for the same reasons given for claim 1.

The dependent claims do not clarify this issue.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 17-33, 36, and 37 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 17-26, 33, 36/17 and claims 27-32, 34, 36/27 are means plus function claims and in view of the specification at page 5 lines 7-9 the "means for" of these claims is a computer program. Thus, these claims claim a program per se rather than an actual "means".

Claim 37 claims information storage means which is not proper means plus function language. In view of *In re Nuijten* the previous indication of acceptability of this

claim is withdrawn. The specification defines "information storage means" at page 5 lines 4-6, page 8 lines 5-8 and 20-25, and page 11 line 28 to page 12 line 2 very broadly. The specification at page 7 lines 8-24 describe disk 110 but this description does not limit the claimed "information storage means". Thus, the claimed "information storage means" covers any tangible medium for conveying the computer program. In re Nuijten, 84 USPQ2d 1495 (Fed. Cir. 2007).

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-3, 6, 7, 10-14, 16, 17-19, 22, 23, 26-30, 32-37, and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by The article by Cheong S Ang, Peter Brantley, Michael Doyle. Polymap: A Versatile Client-Side Image Map for the Web, Proceedings of the Fourth WWW Conference at Boston, Dec 1995, pgs 1-10 describes in detail the polymap system.

The 5/17/2007 amendment to these claims is met by the additional data from a WWW link that a user may retrieve when the mouse pointer is moved over a hotspot because the data from the link includes data defining the image at a greater quality or resolution. The claimed terms quality and resolution is not limited to an image but includes other information that further defines the image area.

The 10/09/2007 amendment to these claims "management function for navigation incompatibility" is met by Ang et al. because Polymap's management function stored as computer instructions in the comment field tells a Polymap enabled web browser how to react to the user placing the mouse pointer over an area which does not have additional information and it tells the Polymap enabled web browser how to react to the user placing the mouse pointer over an area which does have additional information as illustrated in figures 2a, 2b, and 3 and described on page 5 of 10.

A detailed analysis of the claims follows.

Claim 1:

Polymap teaches a method of creating a file (*see "The solution" section, an image file contains both image information as well as additional iformation.*) describing a digital image, comprising the steps of:

defining at least one zoomable area in the image, a zoomable area being defined by characteristics of location of the area in the image and for which additional data defining the image at a greater quality or resolution are available (*Certain areas of the map have additional data and the remaining areas do not. As discussed above these*

are considered to be zoomable because they have "additional data available" that includes information that further defines the image area.);

writing the characteristics of the at least one zoomable area in a first file (See the sections title The Solution and Implementation. In the implementation section JPEG files are discussed.); and

writing in the first file at least one management function for navigation incompatibility (The 10/09/2007 amendment to this claim claims "management function for navigation incompatibility" is met by Ang et al. because Polymap's management function stored as computer instructions in the comment field tells a Polymap enabled web browser how to react to the user placing the mouse pointer over an area which does not have additional information and it tells the Polymap enabled web browser how to react to the user placing the mouse pointer over an area which does have additional information as illustrated in figures 2a, 2b, and 3 and described on page 5 of 10.) implemented in a computer-executable language (The polymap instructions meets this claim limitation because these instructions are a language that is implemented by and executed by a computer.) for navigation in the image (The locations in the image which have additional information is written into the same JPEG file or image file which locations are navigation information because they manage which areas the operating system will recognized as having a link to additional data.).

Claim 2:

Polymap teaches the method according to claim 1, wherein the at least one management function for navigation incompatibility relates to at least one area of the

image which is not a zoomable area (*The information written into the comment blocks of the JPEG files, for example, relates to both zoomable and non-zoomable areas.*).

Claim 3:

Polymap teaches the method according to claim 2, wherein the at least one management function for navigation incompatibility comprises a step of displaying a message (*In the next to last paragraph on page 4 of 10 it is seen the area with additional information available will be highlighted when the cursor passes over the area with additional information available, this is a displaying a message concerning navigation relating to additional data, and the area without additional information available will not be highlight when the cursor posses over areas with no additional data.*).

Claim 6:

Polymap teaches the method according to claim 1, wherein the writing of the characteristics is performed by object instancing (*Since the polygons of the polymap are grouped and stored into the same file then object instancing is being performed by the writing into a single file.*).

Claim 7:

Polymap teaches the method according to claim 1, further comprising the steps of compression of the image (*See the last paragraph on page 4 of 10 which discusses compression of the image in the image portion of the polymap file.*) and storage of the compression data in a second file (*The polymap file is considered to be a second file and the original image is considered to be a first file.*), the compression data enabling

reconstruction of the image and further containing said additional data (*The polymap file has the compressed image and the additional data which at least links to additional data*).

Claim 10:

Polymap teaches the method according to claim 1, wherein the image has a given quality and wherein the additional data define at least one additional quality for the zoomable area (*The term quality is a broad term and is met by the image and by the additional data for the zoomable area of the image.*).

Claims 17, 18, 19, 22, 23, and 26:

These claims are means plus function device claim version of method claims 1, 2, 3, 6, 7, and 10 which claim the same functions of claims 1, 2, 3, 6, 7, and 10. Claims 17, 18, 19, 22, 23, and 26 are rejected for the same reasons given above for claims 1, 2, 3, 6, 7, and 10. Additionally the corresponding means of Polymap are the same as or equivalent to applicants claimed means.

Claim 11:

Polymap teaches a method of reading a file describing a digital image comprising the steps of:

reading characteristics of at least one zoomable area in a first file, a zoomable area being defined by characteristics of location of the area in the image and for which additional data defining the image at a greater quality or resolution are available (*Certain areas of the map have additional data and the remaining areas do not. As*

discussed above these are considered to be zoomable because they have "additional data available" that includes information that further defines the image area.);

receiving a navigation instruction (The user moving the cursor is a navigation instruction. The user clicking on a hotspot is another navigation instruction.);

reading at least one management function for navigation incompatibility (The 10/09/2007 amendment to this claim claims "management function for navigation incompatibility" is met by Ang et al. because Polymap's management function stored as computer instructions in the comment field tells a Polymap enabled web browser how to react to the user placing the mouse pointer over an area which does not have additional information and it tells the Polymap enabled web browser how to react to the user placing the mouse pointer over an area which does have additional information as illustrated in figures 2a, 2b, and 3 and described on page 5 of 10.) implemented in a computer-executable language (The polymap instructions meets this claim limitation because these instructions are a language that is implemented by and executed by a computer.) for navigation in the image, in the first file (The polymap file has hotspot information stored in, for example, the comment field of an image file.); and

executing the at least one management function (If the cursor is over a hotspot area and the user selects additional information then the function is executed by the computer.).

Claim 12:

Polymap teaches the method of claim 11, further comprising the step of testing compatibility between the navigation instruction for navigation incompatibility and the characteristics of the at least one zoomable area,

wherein the step of executing the at least one management function for navigation incompatibility occurs only if the result of the said testing step is incompatibility (*If the cursor is over an area that is not a hotspot then execution of the navigation instruction, mouse click, then execution will not occur because there is no additional information. Likewise when the cursor is over an area that is a hotspot then execution of the navigation instruction, mouse click, will cause execution of the navigation instruction to occur because there is additional information.*).

Claim 13:

Polymap teaches the method according to claim 11, wherein the navigation instruction comprises an instruction included in a list consisting of an instruction to move in the image and a zoom instruction (*This limitation is broad and is covered by the retrieving of additional data.*).

Claim 14:

Polymap teaches the method according to claim 11, wherein said step of executing the at least one management function for navigation incompatibility comprises the display of a message (*In the next to last paragraph on page 4 of 10 it is seen the area with additional information available will be highlighted when the cursor passes over that area, this is a displaying a message concerning navigation relating to*

additional data, and the area without additional information available will not be highlight when the cursor posses over areas with no additional data.).

Claim 16:

Polymap teaches the method according to claim 12, further comprising the step of decompressing the additional data, if the result of the compatibility test is positive *(The links data from a HTTP site will be compressed for at least transmission purposes, thus, the received additional data is decompressed.).*

Claims 27, 28, 29, 30, and 32:

These claims are means plus function device claim version of method claims 11, 12, 13, 14, and 16 which claim the same functions of claims 11, 12, 13, 14, and 16. Claims 27, 28, 29, 30, and 32 are rejected for the same reasons given above for claims 11, 12, 13, 14, and 16. Additionally the corresponding means of Polymap are the same as or equivalent to applicants claimed means.

Claim 33:

Polymap teaches the device according to claim 17, wherein said defining means and said writing means are incorporated in

a microprocessor *(Inherent in the Windows computer running the polymap program.),*

a read only memory containing a program for processing the data *(Inherent in the Windows computer running the polymap program.),* and

a random access memory containing registers adapted to record the variables modified during execution of the program (*Inherent in the Windows computer running the polymap program.*).

Claim 34:

Polymap teaches the device according to claim 27, wherein said reading means, said receiving means and said executing means are incorporated in:

a microprocessor (*Inherent in the Windows computer running the polymap program.*),

a read only memory containing a program for processing the data (*Inherent in the Windows computer running the polymap program.*), and

a random access memory containing registers adapted to record the variables modified during the execution of the program (*Inherent in the Windows computer running the polymap program.*).

Claim 35:

Polymap teaches a digital image processing apparatus (*This apparatus is a met by the image processing performed by the Polymap program on the original image.*) adapted to implement the method according to claim 1 or 11 because the computer and program performing the method is the means adapted to implement the method taught by Polymap to be old and well known.

Claim 36:

Polymap teaches a digital image processing apparatus (*This apparatus is a met by the image processing performed by the Polymap program on the original image.*)

comprising the device according to claim 17 or 27 because the computer and program performing the method is the device that implements the method taught by Polymap to be old and well known.

Claim 37:

Polymap teaches an information storage means readable, by a computer or by a microprocessor, integrated or not into the device, possibly removable, and storing a program implementing the method according to claim 1 or 11 because the polymap file is stored in a computer readable medium such as a memory.

Claim 39:

Polymap teaches a method according to Claim 1, wherein the computer-executable language is scripting language, at page 9 of 10 the article discusses using ISMAP in the Polymap which ISMAP is a scripting language. See page 26 of the Final rejection mailed on 5/22/2006.

11. Claims 1-4, 6, 7, 9-20, 22, 23, and 25-37 are rejected under 35 U.S.C. 102(e) as being by anticipated, Niemi, US Patent Application Publication No. 2002/0105531. Niemi cited by applicant in the background of the invention is very pertinent since it teaches zoomable areas of an image and inherently teaches navigation since for the system to respond to clicks on the image correctly, the system needs to know the location of the zoomable areas defined in the database, see Niemi at paragraph 0059.

For the system to draw the frames around the zoomable areas the system again needs to know the location of the zoomable areas, see paragraphs 0063 and 0075.

The 5/17/2007 amendment to these claims is met by the additional data of higher resolution or quality discussed in paragraphs [0062] and [0071] that a user may retrieve when the mouse pointer is moved over a framed area as discussed in paragraph [0064].

The 10/09/2007 amendment to these claims "management function for navigation incompatibility" is met by Niemi because Niemi's management function stored as computer instructions that define the corner coordinates in a database tell the display system how to react to the user placing the cursor over an area which is not zoomable and it tells the display system how to react to the user placing the cursor over an area which is zoomable, see paragraphs [0063], [0064], [0065], [0075], [0076], and [0078].

A detailed analysis of the claims follows.

Claim 1:

Niemi teaches a method of creating a file describing a digital image, comprising the steps of:

defining at least one zoomable area in the image, a zoomable area being defined by characteristics of location of the area in the image and for which additional data defining the image at a greater quality or resolution are available (*See paragraphs 0048-0066, 0071, 0074, 0075 which describes an image having zoomable areas which upon selection by the user zoom to fill the display area used by the image, see*

paragraph 0052 where the presentation image is the same size as the detailed image.

An image of higher resolution or quality is discussed in paragraphs [0062] and [0071] as the image used in zooming to fill the display area.);

writing the characteristics of the at least one zoomable area in a first file (The database file for this image is a file, see paragraphs 0059 step 18, 0063 last sentence.);
and

writing in the first file at least one management function for navigation incompatibility (The 10/09/2007 amendment to these claims “management function for navigation incompatibility” is met by Niemi because Niemi’s management function stored as computer instructions that define the corner coordinates in a database tell the display system how to react to the user placing the cursor over an area which is not zoomable and it tells the display system how to react to the user placing the cursor over an area which is zoomable, see paragraphs [0063], [0064], [0065], [0075], [0076], and [0078].) implemented in a computer-executable language (The instructions representing the coordinates of the zoomable also represent non-zoomable areas, see paragraph [0059], and the instructions representing the displayed frame representing the coordinates of the zoomable also represent non-zoomable areas, see paragraph [0075] meets this claim limitation because these instructions are a language that is implemented by and executed by a computer.) for navigation in the image (The drawing of the frame is a navigation function since the frame tells the user where the zoomable and non-zoomable areas are located in the images, see paragraphs 0063 and 0075.).

Claim 2:

Niemi teaches the method according to claim 1, wherein the at least one management function for navigation incompatibility relates to at least one area of the image which is not a zoomable area (*The frame relates to zoomable and non-zoomable areas.*).

Claim 3:

Niemi teaches the method according to claim 2, wherein the at least one management function for navigation incompatibility comprises a step of displaying a message (*The type of message is not specifically claimed, thus, the displayed frame defining zoomable areas and non-zoomable areas is a message. Paragraph 0060 discusses metadata messages and displaying these metadata messages. Zooming due to selection of a zoomable area is also a displayed message as well as not zooming due to a selection of a non-zoomable area is also a displayed message.*).

Claim 4:

Niemi teaches the method according to claim 2, wherein the at least one management function for navigation incompatibility comprises a step of zooming the at least one area by interpolation (*The continuous zooming uses either interpolation, see paragraph 0057, or by using an extra image, see paragraph 0062. See paragraph 0068-0069 which discusses a continuous zoom which is performed by interpolation of the decoded image in a zoom area and the detailed image of the zoomed area since the computation of the image in paragraph 0069 inherently involves interpolation. Also the*

difference image described at paragraphs 0055-0057, 0066, 0067 uses interpolation to form the zoomed image.).

Claim 6:

Niemi teaches the method according to claim 1, wherein the writing of the characteristics is performed by object instancing (*Since the image and area information are grouped and stored into the same database file then object instancing is being performed by the writing into a single database file.).*

Claim 7:

Niemi teaches the method according to claim 1, further comprising the steps of compression of the image and storage of the compression data in a second file (*The alternative method of storing the detailed image appears to be inherently stored in a second file, see paragraph 0062.),* the compression data enabling reconstruction of the image and further containing the additional data (*This detailed image is the additional data for the zoomable area.).*

Claim 9:

Niemi teaches the method according to claim 1, wherein the image has a given resolution (*The first web page image has a lower resolution.)* and wherein the additional data define at least one additional resolution for the zoomable area (*The detailed images associated with the zoomable areas define at least one additional resolution for the zoomable area of the first web page.).*

Claim 10:

Niemi teaches the method according to claim 1, wherein the image has a given quality (*The first web page image has a lower resolution and less sharpness, see paragraph 0058.*) and wherein the additional data define at least one additional quality for the zoomable area (*The detailed images associated with the zoomable areas define at least one additional resolution having greater sharpness for the zoomable area of the first web page, see paragraph 0058.*).

Claims 17-20, 22, 23, 25, and 26:

These claims are means plus function device claim version of method claims 1-4, 6, 7, 9, and 10 which claim the same functions of claims 1-4, 6, 7, 9, and 10. Claims 17-20, 22, 23, 25, and 26 are rejected for the same reasons given above for claims 1-4, 6, 7, 9, and 10. Additionally the corresponding means of Niemi are the same as or equivalent to applicants claimed means.

Claim 11:

Niemi teaches a method of reading a file describing a digital image comprising the steps of:

reading characteristics of at least one zoomable area in a first file, a zoomable area being defined by characteristics of location of the area in the image and for which additional data defining the image at a greater quality or resolution are available (See *paragraphs 048-066, 0074, 0075 which describes an image having zoomable areas which upon selection by the user zoom to fill the display area used by the image, see paragraph 0052 where the presentation image is the same size as the detailed image.*

An image of higher resolution or quality is discussed in paragraphs [0062] and [0071] as the image used in zooming to fill the display area.);

receiving a navigation instruction (As the user moves the mouse pointer over the image and the hovers over and then selects an area of the image that is a zoomable area then the operating system then sends to the application program a selection signal which is the claimed navigation instruction.);

reading at least one management function for navigation incompatibility (The 10/09/2007 amendment to these claims "management function for navigation incompatibility" is met by Niemi because Niemi's management function stored as computer instructions that define the corner coordinates in a database tell the display system how to react to the user placing the cursor over an area which is not zoomable and it tells the display system how to react to the user placing the cursor over an area which is zoomable, see paragraphs [0063], [0064], [0065], [0075], [0076], and [0078].) implemented in a computer-executable language (The instructions representing the coordinates of the zoomable also represent non-zoomable areas, see paragraph [0059], and the instructions representing the displayed frame representing the coordinates of the zoomable also represent non-zoomable areas, see paragraph [0075] meets this claim limitation because these instructions are a language that is implemented by and executed by a computer.) for navigation in the image, in the first file (Within the database file is data defining the zoomable areas and this data is read by the program to determine where the zoomable areas are located on the image.); and

executing the at least one management function (*The program executes these instructions so the system will be able to determine the location of the zoomable areas, display a frame around the zoomable areas, not performing the zooming when the non-zoomable area is selected, and performing other tasks such as those outlined in paragraph 0060.*).

Claim 12:

Niemi teaches the method of claim 11, further comprising the step of testing compatibility between the navigation instruction for navigation incompatibility and the characteristics of the at least one zoomable area,

wherein the step of executing the at least one management function for navigation incompatibility occurs only if the result of said testing step is incompatibility (*When the program determines the mouse pointer is not in a zoomable area other tasks are performed such as those described in paragraph 0060 or simply nothing will occur on the display, both of which meets this claim limitation.*).

Claim 13:

Niemi teaches the method according to claim 11, wherein the navigation instruction comprises an instruction included in a list consisting of an instruction to move in the image and a zoom instruction (*Move in the image is discussed at paragraphs 0068-0070 during zooming of the image.*).

Claim 14:

Niemi teaches the method according to claim 11, wherein said step of executing the at least one management function for navigation incompatibility comprises display of

a message (*The type of message is not specifically claimed, thus, the displayed frame defining zoomable areas and non-zoomable areas is a message. Paragraph 0060 discusses metadata messages and displaying these metadata messages. The lack of zooming due to selection of a non-zoomable area is also a displayed message and zooming due to selection of a zoomable area is also a displayed message.*).

Claim 15:

Niemi teaches the method according to claim 11, wherein said step of executing the at least one management function for navigation incompatibility comprises a zoom by interpolation in the decoded image (*The continuous zooming uses either interpolation, see paragraph 0057, or by using an extra image, see paragraph 0062. See paragraph 0068-0069 which discusses a continuous zoom which is performed by interpolation of the decoded image in a zoom area and the detailed image of the zoomed area since the computation of the image in paragraph 0069 inherently involves interpolation. Also the difference image described at paragraphs 0055-0057, 0066, 0067 uses interpolation to form the zoomed image.*).

Claim 16:

Niemi teaches the method according to claim 12, further comprising the step of decompressing said additional data, if the result of the compatibility test is positive (*If the area is zoomable the image data is decompressed at least by the difference method embodiment.*).

Claims 27-32:

These claims are means plus function device claim version of method claims 11-16 which claim the same functions of claims 11-16. Claims 27-32 are rejected for the same reasons given above for claims 11-16. Additionally the corresponding means of Niemi are the same as or equivalent to applicants claimed means.

Claim 33:

Niemi teaches the device according to claim 17, wherein said defining means and said writing means are incorporated in

a microprocessor (*Inherent in the computer running the program.*),

a read only memory containing a program for processing the data (*Inherent in the computer running the program.*), and

a random access memory containing registers adapted to record the variables modified during execution of the program (*Inherent in the computer running the program.*).

Claim 34:

Niemi teaches the device according to claim 27, wherein said reading means, said receiving means, and said executing means are incorporated in

a microprocessor (*Inherent in the computer running the program.*),

a read only memory containing a program for processing the data (*Inherent in the computer running the program.*), and

a random access memory containing registers adapted to record variables modified during execution of the program (*Inherent in the computer running the program.*).

Claim 35:

Niemi teaches a digital image processing apparatus (*The zooming of images is image processing.*) adapted to implement the method according to claim 1 or 11. Additionally the corresponding means of Niemi are the same as or equivalent to applicants claimed means.

Claim 36:

Niemi teaches a digital image processing apparatus (*The zooming of images is image processing.*) comprising the device according to claim 17 or 27.

Claim 37:

Niemi teaches an information storage means readable by a computer or by a microprocessor, integrated or not into the device, possibly removable, and storing a program implementing the method according to claim 1 or 11 (*See paragraph 0001 and 0002 which discuss a computer which inherently requires an information storage means storing a program implementing the method.*).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 5, 8, 21, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over The article by Cheong S Ang, Peter Brantley, Michael Doyle. Polymap: A Versatile Client-Side Image Map for the Web, Proceedings of the Fourth WWW Conference at Boston, Dec 1995, pgs 1-10 describes in detail the playmap system, in view of applicants admission of SWF and JPEG2000 as prior art file formats. The article discusses using GIF and JPEG but not the claimed SWF or JPEG2000. Applicants specification discusses these file formats as prior art file formats that applicant uses to store the image and navigation information. It would have been obvious to one of ordinary skill in the art to use SWF or JPEG2000 rather than the older GIF or JPEG because the newer file formats are more likely to work with the customer's computer's software.

14. Claims 5, 8, 21, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niemi, US Patent Application Publication No. 2002/0105531, in view of applicants admission of SWF and JPEG2000 as prior art file formats. This reference is silent concerning the file types used to store the image in the database thus it does not discuss the claimed SWF or JPEG2000. Applicants specification discusses these file formats as prior art file formats that applicant uses to store the image and

navigation information. It would have been obvious to one of ordinary skill in the art to use SWF or JPEG2000 because these newer file formats are more likely to work with the customer's computer's software.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is (571) 272-7656. The examiner can normally be reached on M-F from 7:30 to 4:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (571) 272-7664. The fax phone Number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jeffery A. Brier/
Primary Examiner, Division 2628